

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

ALBERT PALOMAR,)
FOSTER MITCHELL,)
DANTE HUTTON,) CLASS ACTION COMPLAINT
TAYLOR KIRBY and)
MATTHEW BRADBURN, individually, and on behalf of others similarly situated,) FLSA COLLECTIVE ACTION COMPLAINT
)
Plaintiff,)
)
vs.) CASE NO. 1:19-CV-4693-RLY-MJD
)
SMC CORPORATION OF AMERICA,)
)
Defendant.)
)
SMC CORPORATION OF AMERICA,)
)
Counterclaim Plaintiff)
)
vs.)
)
FOSTER MITCHELL and)
DANTE HUTTON,)
)
Counterclaim Defendants.)

PLAINTIFFS' NOTICE OF SUPPLEMENTAL AUTHORITY

Plaintiffs respectfully submit this Notice of Supplemental Authority in support of its opposition to Defendant SMC Corporation of America's Partial Motion for Judgment on the Pleadings [Docket No. 78] and in support of Plaintiffs' Motion to Certify Class Action Under FRCP 23(b) [Docket No. 84].

On March 22, 2021, the U.S. District Court for the Northern District of Indiana, Hammond Division, held:

While the contract interpretation is under Florida law, Dr. Bray **is still afforded the protections of the Indiana Wage Payment Statute because it only requires an employer to be “doing business in Indiana” for it to be bound under the statute. I.C. § 22-2-5-1.** It is undisputed that WeCare was doing business in Indiana at the time of Dr. Bray's employment.

Bray v. WeCare TLC, LLC, No. 4:17-CV-37 JD, 2021 WL 1089769, at *4, FN 3 (N.D.

Ind. Mar. 22, 2021)(emphasis added).

Plaintiffs request that this recent decision be considered by the Court, as it is new and additional authority for the argument already advanced by Plaintiffs in their briefing [see Docket Entry 81 at 17 – 36.].

Respectfully submitted,

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CERTIFICATE OF SERVICE

I certify that on May 12, 2021 a copy of the foregoing pleading was filed electronically. Notice of this filing will be sent to the following parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

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